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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,895	02/08/2001	Jiro Yamada	P20576	4682

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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2697

DATE MAILED: 08/11/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,895

Applicant(s)

YAMADA, JIRO

Examiner

Jorge L Ortiz-Criado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 3-5, 7-11, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto et al. U.S. Patent No. 6,320,829.

Regarding claim 1, Matsumoto et al. discloses a multimedia copy control system for controlling a copy of a digital data recording medium in which digital audio data is stored and from which the digital audio data is reproduced and recorded to another recording medium for copying (See Abstract; Fig. 1),

wherein the digital audio data stored in the digital data recording medium includes a first copy control information of a digital format (See col. 2, lines 42-44)

and a second copy control information of an analog embedded format (See col. 2, lines 46-48), said system comprising:

an encryption decoder configured to decrypt reproduction output data from the digital data recording medium to judge whether the reproduction output data is encrypted data (See col. 7, line 67 to col. 8, line 1-30; col. 8, line 65 to col. 9, line 14; Fig.2-#12,3-# 25);

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a first copy control detector configured to detect the first copy control information from the decrypted reproduction data (See col. 9, lines 7-10; Fig. 3, block #28);

a contents data decoder configured to extract the digital audio data from the decrypted reproduction data (See col. 9, lines 18-21; Fig. 3, block #25);

and a second copy control detector configured to detect the second copy control information from the extracted digital audio data (See col. 9, lines 7-10; Fig. 3, block #27),

wherein encryption of the reproduction output data from the recording medium is decrypted and judged for each digital contents unit under reproduction (See Abstract, col. 7, line 67 to col. 8, line 1-30; col. 8, line 65 to col. 9, line 14; Fig. 2-#12, 3-#25),

and when said first copy control detector detects the first copy control information, the reproduction of the digital audio data is controlled based on the first copy control information (See col. 2, lines 1-21; col. 15, lines 16-26; col. 11, Table),

and when said first copy control detector detects no first copy control information, the reproduction of the digital audio data is controlled based on the second copy control information (See col. 2, lines 1-21; col. 15, lines 16-26; col. 15, lines 36-48; col. 11, Table, "Analog input").

Regarding claim 3, Matsumoto et al. discloses that the recording medium stores the first and second copy control information being allocated in pair for each digital contents unit (See Abstract, col. 7, lines 7-16, (col. 7, line 67 to col. 8 lines 1-5).

Regarding claim 4, Matsumoto et al. discloses an analog output controller configured to generate analog data from the extracted digital audio data (See col. 5, lines 25-29; Fig. 3, block #26);

digital output controller configured to convert the extracted digital contents data to a specified output format data to be generated therefrom; wherein the digital audio data outputted via said digital output controller includes both the first and second copy control information (See col. 9, lines 13-26), (col. 10, lines 26- 29, Table on col. 11);

and the analog contents data outputted via said analog output controller includes only the second copy control information (See col. 5, lines 25-29; Fig. 3, block #26), (col. 10, lines 26- 29, col. 2, lines 1-21; col. 15, lines 36-48; col. 11, Table, "Analog input")

Regarding claim 5, Matsumoto et al. discloses a multimedia copy control method for controlling a copy of a digital data recording medium in which digital audio data is stored and from which the digital audio data is reproduced and recorded to another recording medium for copying (See Abstract, col. 2, lines 25 -62),

wherein the digital audio data stored in the digital data recording medium includes a first copy control information of a digital format (See col. 2, lines 42-44)

and a second copy control information of an analog embedded format(See col. 2, lines 46-48) , said method comprising:

decrypting reproduction output data from the digital data recording medium to judge whether the reproduction output data is encrypted data (See col. 7, line 67 to co. 8, line 1-30; col. 8, line 65 to col. 9, line 14; Fig.2-#12,3-# 25);

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detecting the first copy control information from the decrypted reproduction data;
extracting the digital audio data from the decrypted reproduction data (See col. 2, lines 52-56; col. 9, lines 7-10);

and detecting the second copy control information from the extracted digital audio data
(See col. 2, lines 52-56; col. 9, lines 7-10),

wherein encryption of the reproduction output data from the recording medium is
decrypted and judged for each digital contents unit under reproduction (See Abstract, col. 7,
line 67 to col. 8 lines 1-5),

and when the first copy control information is detected, the reproduction of the digital
audio data is controlled based on the first copy control information (See col. 2, lines 1-21;
col. 15, lines 16-26; col. 15, lines 36-48; col. 11, Table, "Analog input"),

and when the first copy control information is not detected, the reproduction of the digital
audio data is controlled based on the second copy control information (See col. 2, lines 1-21;
col. 15, lines 16-26; col. 15, lines 36-48; col. 11, Table, "Analog input"),

Regarding claim 7, Matsumoto et al. discloses an optical disk reproduction device for
reproducing an optical disk in which digital audio data is stored and from which the digital
audio data is reproduced for copying (See Abstract, col. 3, lines 35-36; Fig. 3),

wherein the digital audio data stored in the optical disk includes a first copy control
information of a digital format (See col. 2, lines 42-44)

and a second copy control information of an analog embedded format (See col. 2, lines
46-48), said reproduction device comprising:

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a stream data extractor configured to extract stream data from the reproduction output data of the optical disk (See Fig. 3, block #21);

an encryption decoder configured to decrypt the extracted reproduction stream data to judge whether the reproduction stream data is encrypted data (See col. 7, line 67 to col. 8, line 1-30; col. 8, line 65 to col. 9, line 14; Fig. 2-#12,3-# 25);

a first copy control detector configured to detect the first copy control information from the decrypted reproduction-stream data (See col. 9, lines 7-10; Fig. 3, block #28);

a contents decoder configured to extract and decode the digital contents data from the decrypted reproduction stream data (See col. 9, lines 18-21; Fig. 3, block #25);

a second copy control detector configured to detect the second copy control information from the extracted digital audio data (See col. 9, lines 7-10; Fig. 3, block #27);

an analog output controller configured to output analog contents data from the extracted digital audio data (See col. 5, lines 25-29; Fig. 3, block #26);

a digital output controller configured to convert the extracted digital audio data to a specified output format data to be generated therefrom (See col. 9, lines 13-26), (col. 10, lines 26- 29, Table on col. 11; Fig. 3, block #26);

and a system configured to receive the first and second copy control information and controls said analog output controller and said digital output controller (See col. 9, lines 13-26), (col. 10, lines 26- 29, Table on col. 11; Fig. 3, block #26);

wherein encryption of the reproduction output data from the optical disk is decrypted and judged for each digital contents unit under reproduction (See Abstract, col. 7, line 67 to col. 8, line 1-30; col. 8, line 65 to col. 9, line 14; Fig. 2-#12,3-# 25),

and when said first copy control detector detects the first copy control information, the reproduction of the digital audio data is controlled based on the first copy control information (See col. 2, lines 1-21; col. 15, lines 16-26; col. 15, lines 36-48; col. 11, Table, "Analog input"),

and when where said first copy control detector detects no first copy control information, the reproduction of the digital audio data is controlled based on the second copy control information (See col. 2, lines 1-21; col. 15, lines 16-26; col. 15, lines 36-48; col. 11, Table, "Analog input"),

Regarding claim 8, Matsumoto et al. discloses when a reproduction permission condition is not met, said system controller controls said analog output controller and said digital output controller to restrict the reproduction based on at least one of the first and second copy control information (See col. 2, lines 1-21; col. 15, lines 16-26; col. 15, lines 36-48; col. 11, Table, "Analog input"),

Regarding claim 10, Matsumoto et al. discloses a digital audio data outputted via said digital output controller includes both the first and second copy control information (See col. 9, lines 13-26), (col. 10, lines 26- 29, Table on col. 11; Fig. 3, block #26);

and the analog contents data outputted via said analog output controller includes only the second copy control information (See col. 5, lines 25-29; Fig. 3, block #26; col. 10, lines 26-29; col. 2, lines 1-21; col. 15, lines 16-26; col. 15, lines 36-48; col. 11, Table, "Analog input").

Regarding claim 11, Matsumoto et al. discloses a digital data reproducing and recording system (See Fig. 1)

comprising a connected combination of a recording medium reproduction device for reproducing digital data of a recording medium (See Fig. 3)

and a recording medium recording device for recording the reproduced digital data to another recording medium, configured to control a multimedia copy of the recording medium (See Fig. 4),

wherein the digital audio data stored in the recording medium includes a first copy control information of a digital format (See col. 2, lines 42-44)

and a second copy control information of an analog embedded format (See col. 2, lines 46-48), said reproduction device comprising:

an encryption decoder configured to decrypt reproduction stream data output from the recording medium to judge whether the reproduction stream data is encrypted data (See col. 7, line 67 to col. 8, line 1-30; col. 8, line 65 to col. 9, line 14; Fig.2-#12,3-# 25);

a first copy control detector configured to detect the first copy control information from the decrypted reproduction stream data (See col. 9, lines 7-10; Fig. 3, block #28);

a contents decoder configured to extract the digital contents data from the decrypted reproduction stream data (See col. 9, lines 18-21; Fig. 3, block #25);

a second copy control detector configured to detect the second copy control information from the extracted digital contents data (See col. 9, lines 7-10; Fig. 3, block #27),

an analog output controller configured to generate analog contents data from the extracted digital audio data (See col. 5, lines 25-29; Fig. 3, block #26);

and a digital output controller configured to convert the extracted digital audio data to a specified output format data to be generated therefrom, wherein, when said reproduction device and said recording device are digital-connected via said digital output controller, the digital audio data reproduced from said reproduction device includes both the first and second copy control information (See col. 9, lines 13-26), (col. 10, lines 26- 29, Table on col. 11),

and when said reproduction device and said recording device are analog-c connected via said analog output controller, the analog contents data reproduced from said reproduction device includes only the second copy control information (See col. 5, lines 25-29; Fig. 3, block #26; col. 10, lines 26- 29; col. 2, lines 1-21; col.. 15, lines 16-26; col. 15, lines 36-48; col. 11, Table, "Analog input").

Regarding claim 13, Matsumoto et al. discloses a digital data recording medium adapted for multimedia copy control (See col. 2, lines 28-29), said recording medium comprising:

at least one data storage region storing digital audio data, which includes first copy control information of a digital format (See col. 2, lines 42-44)

and second copy control information of an analog embedded format (See col. 2, lines 46-48),

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said at least one data storage storing said first and second copy control information allocated in pairs for each digital contents unit (See Abstract, col. 7, lines 7-16, (col. 7, line 67 to col. 8 lines 1-5),

wherein the digital audio data stored in the recording medium is adapted to be reproduced from the digital data recording medium so that the reproduced data is decrypted for use in judging whether the reproduction output data is encrypted data (See col. 7, line 67 to col. 8, line 1-30; col. 8, line 65 to col. 9, line 14; Fig.2-#12,3-# 25),

the decrypted reproduction data being adapted for use in detecting the first copy control information (See col. 2, lines 52-56; col. 9, lines 7-10),

and extracting the digital contents data therefrom (See Abstract, col. 7, line 67 to col. 8 lines 1-5), (See col. 9, lines 13-26),

and the extracted digital audio data being adapted for use in detecting the second copy control information (See col. 2, lines 52-56; col. 9, lines 7-10),

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2,6,12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. U.S. Patent No. 6,320,829. Matsumoto et al. discloses all the limitations based on claims 1,5,7,11 and 13 as outlined above.

Matsumoto et al. discloses wherein the first copy control information includes three copy control states of copy free, copy permission with restriction and copy inhibition (See col. 4, lines 7-12; col. 10, lines 37-42; Table on col. 11),

and in the case where the copy control state of the first copy control information is the copy free state, the reproduction is controlled to be inhibited (See Table on col. 11),

and in the case of the copy permission with restriction and copy inhibition states, the reproduction is controlled to be permissive (See Table on col. 11),

and in the case where the copy control state of the second copy control information is the copy free state, the reproduction is controlled to be permissive (See Table on col. 11),

and in the case of the copy inhibition states, the reproduction is controlled to be inhibited (See Table on col. 11).

Matsumoto et al. discloses wherein the second copy control information includes two copy states of copy free and copy inhibition (See col. 4, lines 12-16; col. 10, lines 37-39), and has the desirability of having a third state in which reproduction is controlled to be restricted (See col. 10, lines 37-39; Table on col. 11, ("11", "00")), but does not expressly disclose wherein the second copy control information includes three copy states and in the case of the copy permission with restriction the reproduction is controlled to be inhibited.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include a third state and in which reproduction is controlled to be inhibited or restricted, as suggested by Matsumoto et al.

Response to Arguments

5. Applicant's arguments filed 4/30/03 have been fully considered but they are not persuasive.

Applicant's response to the rejection of claims 1, 3-5, 7-11 and 13, as unpatentable over Matsumoto et al. Applicants argued that Matsumoto et al. does not disclose or suggest, "an encryption decoder configured to...judge whether the reproduction output data is encrypted data". The examiner cannot concur because Matsumoto et al. discloses "an encryption decoder configured to...judge whether the reproduction output data is encrypted data" and further checks if the reproduction is authorized using the copy control information (See col. 7, line 67 to col. 8, line 1-30; col. 8, line 65 to col. 9, line 14; Fig. 2-#12, 3-#25)

Applicant also argued that Matsumoto et al. does not disclose or suggest, "when said first copy control detector detects no first copy control information, the reproduction of the digital audio data is controlled based on the second copy control information". The examiner cannot concur because Matsumoto et al. discloses two different possibilities of to not detect the first copy control information. The first one is by manipulating and rewriting the first copy control information indicating permission of free copying by an unauthorized equipment (See col. 2, lines 1-21; col. 15, lines 16-26; col. 11, Table) and the reproduction of the digital audio data is controlled based on the second copy control information. The second possibility is by applying

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the signal to a system of digital reproduction /recording apparatuses that employ data transmission using an analog input signal, thereby the first copy control information is not detected (See col. 15, lines 36-48; col. 11, Table, "Analog input") and the reproduction of the digital audio data is controlled based on the second copy control information.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6743 for regular communications and (703) 308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

joc
July 30, 2003


DORIS H. TO 8/9/03
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800